



March 4, 2009

## **NOTICE**

### **Georgia Medicaid Provider Responsibility Concerning Criminal Background Checks**

The Georgia Department of Community Health (DCH) hereby notifies you of its intention to conduct random audits of nursing home providers to ensure compliance with state law and agency policy requirements that no employee or contractor who provides services to state Medicaid members on behalf of a state Medicaid provider may possess a criminal record. It is every provider's responsibility to ensure that no individual working as the provider's employee or contractor who provides services to a Georgia Medicaid member has a criminal record.

Pursuant to the Official Code of Georgia (O.C.G.A.), Section 31-7-351, prior to hiring an employee for work in a nursing home, each nursing home must request a criminal record check from the Georgia Criminal Information Center (GCIC) to determine whether the applicant has a criminal record. A nursing home provider must make a written determination for each applicant. A nursing home provider is prohibited by law from employing a person with an unsatisfactory criminal record determination.

For your information, a "criminal conviction" means a finding of guilty or a plea of guilty, regardless of whether an appeal has been made. Felony crimes include aggravated assault, aggravated battery, rape, theft by taking, theft by deception, theft by conversion, murder and felony murder, attempted murder, robbery, armed robbery, forgery in the first or second degree, and crimes relating to controlled substances.

The Program Integrity Section of the Georgia Department of Community Health will conduct random audits of nursing home providers to ensure compliance with this legal mandate. Any violation will result in sanctions, including recoupment of Medicaid funds paid to a nursing home that employs an individual with an unsatisfactory criminal background check or employs someone for whom a criminal record exists and no proof of a criminal background check is on record with the provider.

Sincerely,

Robert M. Finlayson, III, Inspector General  
Office of Inspector General

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